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5 Attorney for Plaintiffs  
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8 **UNITED STATES DISTRICT COURT**  
9 **NORTHERN DISTRICT OF CALIFORNIA**  
10 **San Francisco Division**

11 HENRY KLYCE and CAROL KLYCE,

CASE NO. 11 CV 02248 WHA

12 Plaintiffs,

13 v.

**DECLARATION OF ROBERT A.  
SPANNER IN SUPPORT OF MOTION  
FOR EXTENSION OF TIME**

14 DOES 1-10,

15 Defendants.  
16 \_\_\_\_\_/

17 Robert A. Spanner states and declares as follows:

18 1. I am counsel for Plaintiffs herein. This declaration is made on personal knowledge.

19 2. I received Verizon's production of documents pursuant to Plaintiff's subpoena on or  
20 about August 2, 2011. Verizon's production identified one woman, who had possessed three of  
21 the eight IP addresses in question.

22 3. I received Time Warner's production on August 3, 2011. Time Warner's production  
23 identified one man, who had possessed three of the eight IP addresses in question.

24 4. I have not yet received Comcast's production.

25 5. On or about July 29, 2011 I received a phone call from the aforesaid woman's  
26 attorney, Andrew Kreeft of Monterey, whose retention was undoubtedly prompted by the  
27 notification letters the ISP's were required by this Court's order to send to those of its subscribers  
28 whose identity was being sought, so that they had an opportunity to be heard before disclosure. I

1 explained that the Complaint was posted on the PACER system for the Northern District of  
2 California and therefore was available to him to peruse, and that the case generally concerned  
3 invasion of email accounts. We talked about the due date for the Joint CMC Statement and the  
4 setting of the Case Management Conference, and I suddenly realized that the Case Management  
5 Conference had been set during my vacation week. I asked Mr. Kreeft if he would mind holding  
6 the Case Management Conference the following week, on August 25th, and he stated that he  
7 could attend on that date but that he would have to reschedule a deposition to do so, and he  
8 expressed a preference for the following Thursday, Sept. 1, instead. I volunteered to prepare the  
9 first draft of the Joint CMC Statement, which is due August 11th.

10 6. The nature of my calendar conflict is that my family attends Stanford's summer camp  
11 the third week of every August, with payment (many thousands of dollars) due the preceding  
12 March. It took eight years to get into the draw, and a single year's non-attendance results in  
13 losing one's place indefinitely.

14 I declare under penalty of perjury under the laws of the State of California that the  
15 foregoing is true and correct.

16 Executed this 8th day of August, 2011 at Portola Valley, California.

17  
18 /s/ Robert A. Spanner

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Robert A. Spanner  
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